

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

NICK PEARSON, FRANCISCO  
PADILLA, CECILIA LINARES,  
AUGUSTINA BLANCO, ABEL  
GONZALEZ, and RICHARD JENNINGS,  
On Behalf of Themselves and All Others  
Similarly Situated,

Plaintiffs,

v.

NBTY, INC., a Delaware corporation; and  
REXALL SUNDOWN, INC., a Florida  
corporation; and TARGET  
CORPORATION, a Minnesota  
Corporation,

Defendants.

Case No.: 11 CV 07972

CLASS ACTION

**Judge James B. Zagel**

**PLAINTIFFS' MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION SETTLEMENT**

**TO:** All Parties and Their Attorneys of Record

Pursuant to Federal Rule of Civil Procedure 23, Plaintiffs Augustina Blanco, Abel Gonzalez, Cecilia Linares, and Francisco Padilla, by their counsel Bonnett, Fairbourn, Friedman & Balint, P.C. and Boodell & Domanskis, LLC; and Plaintiff Richard Jennings, by his counsel Denlea & Carton LLP; respectfully request that the Court preliminarily approve a nationwide class settlement, as more fully set forth and described in detail in the accompanying Memorandum in Support of Motion for Preliminary Approval of Class Settlement, and the entry of an order: (1) preliminarily approving the Settlement Agreement as fair, reasonable, and adequate; (2) approving the Notice Plan attached as Exhibit B to the Settlement Agreement;

(3) setting the date and time of the Fairness Hearing; (4) provisionally certifying the Class under Rule 23 of the Federal Rules of Civil Procedure for settlement purposes only (“Settlement Class”); (5) provisionally appointing Plaintiffs as representatives of the Settlement Class; and (6) provisionally appointing Jeffrey I. Carton and Peter N. Freiberg (Denlea & Carton LLP), Elaine A. Ryan (Bonnett, Fairbourn, Friedman & Balint, P.C.), and Stewart M. Weltman (Boodell & Domanskis, LLC) as Class Counsel.

DATED: May14, 2015

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### **CERTIFICATE OF SERVICE**

I hereby certify that on May 14, 2015, a true and correct copy of the following document was electronically filed and served on all counsel of record in this action who are deemed to have consented to electronic service via the Court's CM/ECF system: **Plaintiffs' Motion for Preliminary Approval of Class Action Settlement.**

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